

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE LIBOR-BASED FINANCIAL
INSTRUMENTS ANTITRUST LITIGATION

Master File No. 11-md-2262 (NRB)

THIS DOCUMENT RELATES TO:

METZLER INVESTMENT GmbH, et al.,

No. 11 Civ. 2613

Plaintiffs,

v.

CREDIT SUISSE GROUP AG, et al.,

Defendants.

**OMNIBUS DECLARATION OF THOMAS W. ELROD IN SUPPORT OF EXCHANGE-
BASED PLAINTIFFS' MEMORANDA OF LAW IN OPPOSITION TO
DEFENDANT RABOBANK'S MOTION TO EXCLUDE
PLAINTIFFS' PROPOSED EXPERT OPINIONS**

I, Thomas W. Elrod, hereby declare under penalty of perjury that the following is true and correct:

1. I am a member in good standing of the Bar of the State of New York, and am admitted to practice before this Court.

2. I am an associate of the law firm of Kirby McInerney LLP, interim co-lead counsel for the Exchange-Based Plaintiffs ("Plaintiffs"). As such, I have knowledge of the matters set forth herein. I make this declaration in support of Plaintiffs' Memoranda of Law in Opposition to Defendant Rabobank's Motions to Exclude Plaintiffs' Proposed Expert Opinions.

3. Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Janet S. Netz, dated February 2, 2017.

4. Attached hereto as Exhibit 2 is a true and correct copy of the Rebuttal Expert Report of Janet S. Netz, dated May 3, 2017.

5. Attached hereto as Exhibit 3 is a true and correct copy of the Transcript of the Videotaped Deposition of Janet S. Netz, dated March 28, 2017.

6. Attached hereto as Exhibit 4 is a true and correct copy of the Transcript of the Videotaped Rebuttal Deposition of Janet S. Netz, dated June 15, 2017.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Expert Report of Craig S. Beevers, dated February 2, 2017.

8. Attached hereto as Exhibit 6 is a true and correct copy of the Rebuttal Expert Report of Craig S. Beevers, dated May 3, 2017.

9. Attached hereto as Exhibit 7 is a true and correct copy of the Transcript of the Videotaped Deposition of Craig S. Beevers, dated June 7, 2017.

10. Attached hereto as Exhibit 8 is a true and correct copy of the Transcript of the Videotaped Deposition of Glenn Hubbard, dated April 20, 2017.

11. Attached hereto as Exhibit 9 is a true and correct copy of the Expert Report of H. Nejat Seyhun, dated February 2, 2017.

12. Attached hereto as Exhibit 10 is a true and correct copy of the Expert Rebuttal Report of H. Nejat Seyhun, dated May 3, 2017.

13. Attached hereto as Exhibit 11 is a true and correct copy of the Transcript of the Videotaped Deposition of H. Nejat Seyhun, dated March 29, 2017.

14. Attached hereto as Exhibit 12 is a true and correct copy of the Transcript of the Videotaped Rebuttal Deposition of H. Nejat Seyhun, dated June 20, 2017.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Declaration of Eric J. Miller, dated May 2, 2017.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Transcript of the Videotaped Deposition of Eric J. Miller, dated June 21, 2017.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Resume of Eric J. Miller.

18. Attached hereto as Exhibit 16 is a true and correct copy of the Resume of A.B. Data.

19. Attached hereto as Exhibit 17 is a true and correct copy of the Affidavit of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *Sonterra Capital Master Fund Ltd. v. UBS AG*, No. 15 Civ. 05844 (GBD) (S.D.N.Y.) and *Laydon v. Mizuho Bank, Ltd.*, No. 12 Civ. 03419(GBD) (S.D.N.Y.) [ECF No. 276], dated September 27, 2016.

20. Attached hereto as Exhibit 18 is a true and correct copy of the Affidavit of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *In Re: Rough Rice Commodity Litigation*, No. 11 Civ. 00618 (N.D. Ill.) [ECF No. 175], dated August 18, 2015.

21. Attached hereto as Exhibit 19 is a true and correct copy of the Declaration of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *In Re: Crude Oil Commodity Futures Litigation*, No. 11 Civ. 03600 (KBF) (S.D.N.Y.) [ECF No. 322], dated October 2, 2015.

22. Attached hereto as Exhibit 20 is a true and correct copy of the Declaration of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *In Re:*

Platinum & Palladium Commodities Litigation (Futures Action), No. 10 Civ. 03617 WHP (S.D.N.Y.) [ECF No. 303], dated April 20, 2015.

23. Attached hereto as Exhibit 21 is a true and correct copy of the Declaration of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *In Re: Optiver Commodities Litigation*, No. 08 Civ. 06560 (LAP) (S.D.N.Y.) [ECF No. 41], dated April 21, 2015.

24. Attached hereto as Exhibit 22 is a true and correct copy of the Affidavit of Eric J. Miller on Behalf of A.B. Data, LTD. Regarding Notice and Claims Administration, *Josef A. Kohen, et al. v. Pac. Invest. Mgmt. Co. LLC, et al.*, No. 05 Civ. 04681 (N.D. Ill.) [ECF No. 564], dated March 3, 2011.

25. Attached hereto as Exhibit 23 is a true and correct copy of the Order Preliminarily Approving Proposed Settlements, Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class, *Sonterra Capital Master Fund Ltd. v. UBS AG*, No. 15 Civ. 05844 (GBD) (S.D.N.Y.) [ECF No. 223], dated April 7, 2016.

26. Attached hereto as Exhibit 24 is a true and correct copy of the Order Preliminarily Approving Proposed Settlements, Scheduling Hearing for Final Approval Thereof, and Approving the Proposed Form and Program of Notice to the Class, *Laydon v. Mizuho Bank, Ltd.*, No. 12 Civ. 03419 (GBD) (S.D.N.Y.) [ECF No. 592], dated April 7, 2016.

27. Attached hereto as Exhibit 25 is a true and correct copy of the Final Order and Judgment, *In Re: Crude Oil Commodity Futures Litigation*, No. 11 Civ. 03600 (KBF) (S.D.N.Y.) [ECF No. 339], dated January 21, 2016.

28. Attached hereto as Exhibit 26 is a true and correct copy of the Final Order and Judgment, *In Re: Rough Rice Commodity Litigation*, No. 11 Civ. 00618 (N.D. Ill.) [ECF No. 178], dated August 25, 2015.

29. Attached hereto as Exhibit 27 is a true and correct copy of the Final Order and Judgment, *In Re: Platinum & Palladium Commodities Litigation (Futures Action)*, No. 10 Civ. 03617 WHP (S.D.N.Y.) [ECF No. 294], dated February 27, 2015.

30. Attached hereto as Exhibit 28 is a true and correct copy of the Final Order and Judgment, *In Re: Optiver Commodities Litigation*, No. 08 Civ. 06560 (LAP) (S.D.N.Y.) [ECF No. 93], dated June 22, 2015.

31. Attached hereto as Exhibit 29 is a true and correct copy of the Order Preliminarily Approving Proposed Settlement, Scheduling Hearing for Final Approval Thereof, and Approving The Proposed Form and Program of Notice to the Class, *In Re: Amaranth Natural Gas Commodities Litigation*, No. 07 Civ. 06377 (SAS) (S.D.N.Y.) [ECF No. 103], dated January 3, 2012.

32. Attached hereto as Exhibit 30 is a true and correct copy of the Final Order and Judgment, *Josef A. Kohen, et al. v. Pac. Invest. Mgmt. Co. LLC, et al.*, No. 05 Civ. 04681 (N.D. Ill.) [ECF No. 572], dated May 2, 2011.

33. Attached hereto as Exhibit 31 is a true and correct copy of the Affidavit of Eric J. Miller Regarding Processing of Proof of Claim and Release Forms and Calculation of Allowed Claims, *Josef A. Kohen, et al. v. Pac. Invest. Mgmt. Co. LLC, et al.*, No. 05 Civ. 04681 (N.D. Ill.) [ECF No. 594], dated February 24, 2012.

34. Attached hereto as Exhibit 32 is a true and correct copy of the Order for Distribution of the Net Settlement Fund, *Josef A. Kohen, et al. v. Pac. Invest. Mgmt. Co. LLC, et al. ("PIMCO")*, No. 05 Civ. 04681 (N.D. Ill.) [ECF No. 614], dated April 11, 2012.

35. Attached hereto as Exhibit 33 is a true and correct copy of the Declaration of Eric J. Miller Regarding Processing of Proof of Claim and Release Forms and Calculation of Allowed Claims, *In Re: Rough Rice Commodity Litigation*, No. 11 Civ. 00618 (N.D. Ill.) [ECF No. 181], dated May 12, 2016.

36. Attached hereto as Exhibit 34 is a true and correct copy of the Order for Distribution of Net Settlement Fund, *In Re: Rough Rice Commodity Litigation*, No. 11 Civ. 00618 (N.D. Ill.) [ECF No. 185], dated June 27, 2016.

37. Attached hereto as Exhibit 35 is a true and correct copy of a document produced by the CME Group, Inc. ("CME") bearing bates label CME - LIBOR CLASS ACTION - 0004 that contains a list of CME clearing members during the Class Period dating back to 2005.

38. Attached hereto as Exhibit 36 is a true and correct copy of a document produced by CME bearing bates label CME - LIBOR CLASS ACTION - 0001 that contains a list of "Large Traders" of Eurodollar Futures and Options on Eurodollar Futures contracts traded on the CME during the Class Period.

39. Attached hereto as Exhibit 37 is a true and correct copy of the Affidavit of Jason Rabe Regarding Processing of Claim Forms, Calculation of Allowed Claims Pursuant to the Plan of Allocation, and Proposed Plan for Distribution of New Settlement Fund, *In Re: Amaranth Natural Gas Commodities Litigation*, No. 07 Civ. 06377 (SAS) (S.D.N.Y.) [ECF No. 422], dated June 24, 2016.

40. Attached hereto as Exhibit 38 is a true and correct copy of the Letter from Khadija Waugh, CME Group, to Plaintiffs' Counsel, dated January 8, 2016.

41. Attached hereto as Exhibit 39 is a true and correct copy of the Sur-Rebuttal Expert Report of Christopher L. Culp, Ph.D., dated June 30, 2017.

Executed on July 21, 2017
New York, New York



Thomas W. Elrod